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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,984	02/18/2004	Raymond J. Baxter	11694/04304 (03-002)	3041
27483 7590 10/08/2009 CALFEE, HALTER & GRISWOLD, LLP 800 SUPERIOR AVENUE SUITE 1400 CLEVELAND, OH 44114				
EXAMINER NGUYEN, HUNG D				
ART UNIT 3742		PAPER NUMBER		
NOTIFICATION DATE 10/08/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipdocket@calfee.com
dcunin@calfee.com

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/780,984

Applicant(s)

BAXTER ET AL.

Examiner

HUNG NGUYEN

Art Unit

3742

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 August 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/TU B HOANG/
Supervisory Patent Examiner, Art Unit 3742

/HUNG NGUYEN/
Examiner, Art Unit 3742

Continuation of 11, does NOT place the application in condition for allowance because: Applicants' arguments filed on 8/20/09 have been fully considered but they are not persuasive. The applicants argued on page 1 of the Remark that claim 27 is patentable over the cited references. The cited references fail to teach an upper guide plate having an inlet end portion that extends transverse to an intermediate portion of the upper guide plate, and a lower guide plate having an inlet end portion that extends parallel to an intermediate portion of the lower guide plate. Sprenger et al. discloses an upper guide plate 502 (Fig. 6) having an inlet end portion 512 (Fig. 5) that extends transverse to an intermediate portion of the upper guide plate, and a lower guide plate 504 (Fig. 6) having an inlet end end portion 512 (Fig. 5) that extends parallel to an intermediate portion of the lower guide plate (Figs. 5 clearly shown that the upper and lower guide plate are formed an inlet end portion that extends transverse). Applicants argued on page 1 that the cited references failed to teach an upper and lower guide plates that at least partially define a passage having an inlet opening with a funnel-shape configuration that is adapted to admit and align any misaligned workpieces moving into said inlet opening of said passage. Sprenger et al. discloses an upper and lower guide plates that at least partially define a passage having an inlet opening with a funnel-shaped configuration that is adapted to admit and align any misaligned workpieces moving into said inlet opening of said passage (Col. 6, Lines 36-46). Applicants argued on page 2 of the Remarks that Sprenger et al. failed to teach a mechanism releasably supporting an upper guide plate on a frame whereby the upper guide plate is slideable longitudinally along said frame to enable removal of the upper guide plate from a separator. Springer et al. discloses an upper and lower pole pieces that connected to the upper and lower guide plates can be removed or replaced so it is inherently that the upper and lower guide plate are removeable from the separator. Finally, the applicant argued in page 2 of the Remark, in claim 53, the cited references failed to teach a mechanism releasably supporting the upper guide plate comprising an L-shaped slot. Hill taught a winding machine wherein the guide plate 52 (Fig. 4) can be released by the pin 52a (Fig. 4) at the slot 33a (Fig. 4). It would have been obvious to an ordinary skill in the art at the time of the invention to modify in Sprenger et al. to use the pin configured to be slidably received in slot for mechanism releasably for supporting the guide plate. This clearly shows that it would have been obvious to an ordinary skill artisan to modify the slot (L-shaped) in any shape in order to suit to the user application.